



# 8 11-25-03  
E

TC  
NOV 24 2003  
RECEIVED

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No. 040447/0233

Applicant: Yuji TSUKAMOTO et al.  
Title: CONTENT RENTAL SYSTEM  
Serial No. 09/851,424  
Filed: May 9, 2001  
Examiner: Unknown  
Art Unit: 2614

**RECEIVED**

NOV 20 2003

Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A2 through A7 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Item of information A1 is a U.S. Patent that is a counterpart of item of information A5.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued October 7, 2003 with respect to a counterpart Japanese patent application is provided below.

**Reason**

The inventions related to the following claims of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the invention belongs based on the inventions recited in the publications below, which had been distributed in Japan or abroad prior to the application, and therefore cannot receive a patent

according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

**Note**

(For a list of the cited literature, see the List of Cited Literature.)

(Claims 1 to 19)

Cited Literature 1 to 6

**Remarks**

An invention relating to contents rental is described in Cited Literature 1.

The invention described in Cited Literature 1 does not download to a recording medium, but this point is well known as is described in Cited Literature 2, and we can find no unique meaning to this point of difference.

The point about adding an advertisement is well known, as can be seen in Cited Literature 3 and 4.

Encrypting is well known, as can be seen in Cited Literature 5 and 6.

If new reasons for rejection are discovered, you will be notified of the reasons for rejection.

**List of Cited Literature**

1. Japanese Unexamined Patent Application Publication H10-222579
2. Japanese Unexamined Patent Application Publication 2000-11251
3. Japanese Unexamined Patent Application Publication H11-338809."

Applicant's statements regarding the Japanese Office Action is based on a partial translation that Applicant's representative obtained. This statement should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

November 19, 2003  
Date

Phillip J. Articola  
Phillip J. Articola  
Registration No. 38,819

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

NOV 19 2003

MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Date Submitted: November 19, 2003

(use as many sheets as necessary)

Complete if Known

Application Number	09/851,424
Filing Date	05/09/2001
First Named Inventor	Yuji TSUKAMOTO
Group Art Unit	2614
Examiner Name	Unknown
Attorney Docket Number	040447-0233

Sheet 1 of 1

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	6,230,268		MIWA et al.	05/08/2001	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A2	PCT	WO 97/21183			06/12/1997		
	A3	JP	10-222579			08/21/1998		X
	A4	JP	10-269078			10/09/1998		X
	A5	JP	11-164132			06/18/1999		X
	A6	JP	11-338809			12/10/1999		X
	A7	JP	2000-011251			01/14/2000		X

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

RECEIVED

NOV 20 2003

Technology Center 2500

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.